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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,809	01/14/2004	Jesse Marcelle	27475/05203	1808
24024	7590	12/27/2005	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP			GALL, LLOYD A	
800 SUPERIOR AVENUE			ART UNIT	
SUITE 1400			PAPER NUMBER	
CLEVELAND, OH 44114			3676	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,809

Applicant(s)

MARCELLE ET AL.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-23,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-23,26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The drawings are objected to because the particular shape of the interlock including the crossmember 70 and the extended portion 72 of the track are not clear from figures 6, 7A and 7B. In particular, as seen in fig. 7B, the extended portion 72 of the track appears to extend radially inward at the lead line for numeral 72 in figure 7B. The crossmember 70 in figure 7B appears to extend radially outward. The contents of figure 7B appear to be inconsistent with what is shown in figures 6 and 7A. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claims 19-22 are objected to because of the following informalities: In claim 19, line 2, it is not clear in what sense the interior and exterior half cylinders are "closed ended". In claim 19, line 13, "past" is not clear, since as seen in fig. 7B, the crossmember 70 does not appear to slide past the member 72, but instead appears to abut the member 72. See also claim 20, line 10. In claim 20, line 12, --one or more-- should be inserted before "edges" to be consistent with claim 20, line 7. Appropriate correction is required.

In view of the above claim and drawing objections, claims 19-22 are rejected as best understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-22 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Ryan et al, Shipman and Wilk.

Wood teaches a lockout device having an inner piece 30 within an outer piece 26 in the shape of half cylinders, an opening in the bottom of the pieces to receive a steering wheel therein, a circumferential wall and side walls on both pieces, one or more tabs 14, 17, 11, 23, 3, and openings in the tabs 23, 3 as seen in fig. 5A which receives screws 24, an interlock 14, 17, 11, and a recessed surface below flange 21 in fig. 4. Ryan et al teaches that it is well known in the steering wheel lockout device art to provide a rail and track 22, 23 (fig. 5) between inner and outer telescoping pieces. Shipman teaches a

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lockout device including an inner piece 9, an outer piece 7, a recessed surface in the outer surface 72 of the inner piece which receives channels 68, 69, a T-shaped rail 75, 76 on the outer surface of the inner piece which is received in a track 50, 51 of the inner surface of the outer piece as seen in fig. 4. Wilk teaches an interlock for a T-shaped rail 50 and track 48 (fig. 4) between telescoping pieces, wherein the track is closed at its ends as seen in fig. 1. Accordingly, the free end face of the T-shaped rail defines a crossmember which engages the closed end of the track, which closed end is regarded as an extended portion extending into the track to engage the crossmember (end face of the rail). It would have been obvious to provide a T-shaped rail on the inner piece and a track on the outer piece of Wood, in view of the respective teachings of Ryan et al and Shipman, the motivation being to prevent any free play and rattling between the pieces of Wood. It would have been obvious to close the track of the modified Wood reference such that the T-shaped rail abuts the track in the closed position, in view of the teaching of Wilk, the motivation being to serve as a stop when the pieces are in their proper closed condition.

Claim 20 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipman in view of Wilk.

Shipman and Wilk have been discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to close the end of the track 50, 51 of Shipman to engage the T-shaped rail in the closed condition, in view of the teaching of Wilk, the motivation being to serve as a stop when the pieces are in their closed condition.

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Claim 21 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipman in view of Wilk as applied to claim 20 above, and further in view of Anderson.

Anderson teaches a lock including padlocked tab members 21, 23 each having aligned plural openings 51, 57 to receive the legs of the shackle of the padlock. It would have been obvious to substitute locking tabs and a padlock for the lock device of Shipman, in view of the teaching of Anderson, the motivation being to allow a removable padlock to be used in locking another article when the closure of Shipman is not in a closed condition.

Claims 23, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipman in view of Howisen and Wilk.

Shipman teaches inner and outer pieces 9, 7 as set forth above including a T-shaped rail 75, 76 and track 50, 51, a recessed surface to receive the channels 68, 69, and an opening at the ends of the pieces which is capable of receiving an object. Howisen teaches a T-shaped rail 230 and a track 220 at an approximate center of interlocking pieces. Wilk teaches an interlock including a T-shaped rail and a closed track, as set forth above. It would have been obvious to provide a T-shaped rail and closed interlock track at the approximate center of the pieces of Shipman, in view of the respective teachings of Howisen and Wilk, the motivation being to increase the stability of the connection between the pieces of shipman.

Applicant's arguments with respect to claims 19-23, 26 and 27 have been considered but are moot in view of the new ground(s) of rejection.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
December 19, 2005


Lloyd A. Gall
Primary Examiner